

OFFICIAL COPY

Fresno, California

June 18, 2002

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Acting President - Arrived at 8:35 a.m.
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember - Arrived at 8:43 a.m.
	Henry Perea	Council President

Dan Hobbs, City Manager  
Andy Souza, Assistant City Manager  
Hilda Cantu Montoy, City Attorney  
Becky Klisch, City Clerk  
Cindy Hamby, Deputy City Clerk

Jonathan Villalobos of the Bethany Inner City Church, gave the invocation, and Abby Mettlach led the Pledge of Allegiance to the Flag.

RESOLUTION OF COMMENDATION TO ZOUA VANG - COUNCILMEMBER DUNCAN

PRESENTATION BY DEPUTY MAYOR ROGER MONTERO OF IDEA\$ PAY AWARDS

RECOGNITION OF CULLEN METTLACH AS FATHER OF THE YEAR - COUNCILMEMBER QUINTERO

RESOLUTIONS OF COMMENDATION TO TANYA RAE CHERRY AND JANET MARIE HOWZE - ACTING PRESIDENT CASTILLO

The above presentations and proclamations were read and presented.

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The City Council recessed at 9:02 a.m. and met in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF MAY 28, 2002

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the Agency minutes of May 28, 2002, approved as submitted.

PROPOSED ROEDING BUSINESS PARK PLAN AMENDMENT (*COUNCIL AND AGENCY ACTION*)

**1. RESOLUTION NO. 1606** - ADOPTING THE REPORT TO COUNCIL, SUBMITTING THE REPORT AND PROPOSED REDEVELOPMENT PLAN AMENDMENT TO THE CITY COUNCIL, AND CONSENTING TO A JOINT PUBLIC HEARING DATE FOR THE PLAN AMENDMENT (*AGENCY ACTION*)

**2. RESOLUTION NO. 2002-201** - CONSENTING TO AND CALLING FOR A PUBLIC HEARING DATE FOR THE PLAN AMENDMENT (*COUNCIL ACTION*)

Councilmember Duncan announced the time had arrived to consider the issue.

Redevelopment Administrator Murphey reviewed the issue as contained in the staff report.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon call, no one else wished to be heard.

Councilmember Ronquillo commended staff, stated current improvements taking place were good steps and made a motion to accept staff recommendation which was voted upon after brief discussion.

Councilmember Quintero questioned the process of notifying property owners of upcoming hearing dates, recommended notification by certified mail would be more effective, stated the property owners who reside 350 feet outside the boundary line need to be notified and requested the motion be amended to reflect his request.

President Perea emphasized the importance that eminent domain would not necessarily take place in this plan.

On motion of Councilmember Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution Nos. 1606 and 2002-201 hereby adopted, the joint public hearing for the proposed Roeding Business Park Plan Amendment set for July 30, 2002, at 8:30 a.m.; and property owners who reside 350 feet outside the effected boundary line to be notified, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

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**(B) RECOMMEND APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY AND HARRIS AND ASSOCIATES FOR THE ELM AVENUE CORRIDOR BEAUTIFICATION BETWEEN NORTH AND JENSEN AVENUES** (*AGENCY ACTION*)

Councilmember Duncan announced the time had arrived to consider the issue.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon call, no one else wished to be heard.

**(Side 2)** Councilmember Ronquillo commended staff on their efforts to beautify Elm Avenue.

Consultancy Agreement between the Redevelopment Agency and Harris & Associates for the Elm Corridor Beautification project hereby approved and the Executive Director, or the Redevelopment Administrator hereby authorized to execute the necessary documents, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

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**(C) HEARING ON FY 2002-2003 BUDGET OF THE REDEVELOPMENT AGENCY (*COUNCIL AND AGENCY ACTION*)**

Continued to 4:30 p.m.

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The joint bodies recessed to later in the meeting and the City Council reconvened at 9:21 a.m.

**APPROVE MINUTES OF JUNE 10 AND JUNE 11, 2002:**

Acting President Castillo questioned Motion #45 in the June 11, 2002 minutes, stated he made the motion and President Perea seconded it.

On motion of Acting President Castillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the minutes of June 10 and June 11, 2002, hereby approved, as amended.

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**APPROVE AGENDA:**

**(1-G) RESOLUTION - OF INTENTION TO ANNEX FINAL TRACT NOS. 5007 AND 5081 TO THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 2, ANNEXATION NO. 38 AND AUTHORIZE THE LEVY OF SPECIAL TAXES**

City Clerk Klisch announced item 1-G was removed from the agenda by staff.

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Perea, Quintero, Ronquillo, Duncan
Noes	:	None
Absent	:	None

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**ADOPT CONSENT CALENDAR:**

**(1-A)\* RESOLUTION NO. 2002-202 - ESTABLISHING A PAY RELATIONSHIP FOR DELETED CLASSES WITH AN EXISTING CLASS FOR PURPOSES OF CALCULATING RETIREMENT BENEFITS PURSUANT TO FRESNO MUNICIPAL CODE SECTION 2-1603.1**

**139-311**

**6/18/02**

**(1-E) RESOLUTION NO. 2002-203 - APPROVING THE FINAL MAP OF TRACT NO. 4971, AND ACCEPTING**

DEDICATED PUBLIC USES THEREIN, A 6-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION ON 1.5 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF N. WHITNEY AVENUE BETWEEN E. NORWICH AND E. INDIANAPOLIS; AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT AND DEED OF AVIGATION EASEMENT AND AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS FOR PLANTING AND MAINTAINING FRONT YARD TREES AND STATEMENT OF COVENANTS FOR PROXIMITY OF AIRPORT OPERATIONS- (*PROPERTY LOCATED IN DISTRICT 4*)

**(1-H)** APPROVE AGREEMENT WITH COUNTY OF FRESNO IN THE AMOUNT OF \$37,000 FOR IMPROVEMENTS TO W. NORTH AVENUE BETWEEN CORNELIA AND WALNUT AVENUES AND AUTHORIZE THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY OF FRESNO

**(1-I)** APPROVE AN AMENDMENT TO THE PROFESSIONAL ARCHITECTURAL SERVICES AGREEMENT WITH JOHNSON ARCHITECTURE FOR DESIGN OF RENOVATIONS TO THE SANTA FE DEPOT

**(1-J) \* RESOLUTION NO. 2002-204** - 103<sup>RD</sup> AMENDMENT TO AAR NO. 2001-200 TO TRANSFER \$1,000,000 FROM CONTINGENCY BUDGETED TO FUND CONFERENCE CENTER DEBT PAYMENT, TO RECOGNIZE \$1,100,000 IN TAX ANTICIPATION NOTE REVENUE AND OBLIGATION

**(1-K)\* RESOLUTION NO. 2002-205** - ADOPTING AN INVESTMENT POLICY FOR PUBLIC FUNDS FOR FISCAL YEAR 2002-2003

**(1-L)** AWARD A CONTRACT TO J.F. PACIFIC LINERS, INC. OF VACAVILLE, E CALIFORNIA IN THE AMOUNT OF \$146,604 FOR TRUNK-LINE CLEANING PHASE II AT VARIOUS LOCATIONS IN THE CITY'S SANITARY SEWER SYSTEM

**(1-M)** AWARD A CONTRACT TO STEVE DOVALI CONSTRUCTION OF FRESNO IN THE AMOUNT OF \$141,916.40 FOR CALIFORNIA ALIGNMENT 12" RAW WATER MAIN FROM PUMP STATION 225 TO TREATMENT FACILITY AT 5740 E. CALIFORNIA

**(1-N)** AWARD A CONTRACT TO EMMETT'S EXCAVATION OF CLOVIS IN THE AMOUNT OF \$325,365 FOR ASHLAN/BLYTHE TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENTS

**(1-O)** AWARD A CONTRACT TO PACIFIC BELL TELEPHONE D.B.A. SBC DATACOMM OF FRESNO IN THE AMOUNT OF \$78,858 FOR FRESNO YOSEMITE INTERNATIONAL AIRPORT CONCOURSE TELEPHONE AND DATA CABLING

**(1-P)** AWARD A CONTRACT TO BILL NELSON GENERAL ENGINEERING CONSTRUCTION, INC. OF FRESNO IN THE AMOUNT OF \$51,948 FOR LILY/KIRK ALLEY BELGRAVIA TO FLORENCE AVENUE INSTALLATION OF 6" PVC WATER MAIN TO REPLACE EXISTING 4" WATER MAIN

**(1-Q)** REJECT ALL BIDS FOR GLENN, CALAVERAS, HOME AND FLORADORA AVENUES INSTALLATION OF STREET IMPROVEMENTS

**(1-R)** AWARD A CONTRACT TO ELECTRIC MOTOR SHOP OF FRESNO IN THE AMOUNT OF \$206,648 FOR

ASHLAN/CORNELIA TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENTS

**1. \* RESOLUTION NO. 2002-206** - 107<sup>TH</sup> AMENDMENT TO AAR NO. 2001-200 APPROPRIATING \$117,700 TO COMPLETE FUNDING FOR ASHLAN/CORNELIA TRAFFIC SIGNAL AND INTERSECTION IMPROVEMENTS

**(1-S)** REJECT ALL BIDS FOR HOLMES NEIGHBORHOOD PLAYGROUND IMPROVEMENTS

**(1-T)\* RESOLUTION NO. 2002-209** - APPROVAL TO FILE THE PROPOSED MUSCAT-EAST NO. 1 REORGANIZATION WITH THE FRESNO LOCAL AGENCY FORMATION COMMISSION (LAFCO) FOR THE DETACHMENT OF CERTAIN TERRITORY CONSISTING OF 41.5 ACRES FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF THE SAME TERRITORY TO THE CITY OF FRESNO; AND ACCEPT THE FINDING OF THE MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NOS. S-01-414 AND 2-02-02 THAT THE REORGANIZATION WILL NOT HAVE A SIGNIFICANT ADVERSE EFFECT UPON THE ENVIRONMENT *(PROPERTY LOCATED IN DISTRICT 3)*

**(1-U) \* RESOLUTION 2002-208** - 108<sup>TH</sup> AMENDMENT TO AAR NO. 2001-200 APPROPRIATING \$1,950,000 FROM PROPERTY/LIABILITY SELF INSURANCE CONTINGENCY FOR PAYMENT OF INCURRED CLAIMS LIABILITIES

On motion of Councilmember Calhoun, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**CONTESTED CONSENT CALENDAR:**

**1-C)** AWARD A CONTRACT FOR CLOSURE OF BURLINGTON NORTHERN & SANTA FE RAILWAYS (BNSF) GRADE CROSSINGS BETWEEN BELMONT AND OLIVE AVENUES

Councilmember Ronquillo stated the properties most effected were between Divisadero and Belmont and requested staff meet with Community Hospital to see what their plans were for the area and recommended the possible purchase by the City of property for construction of homes with brief discussion ensuing.

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, a contract hereby awarded to American Paving Company of Fresno in the amount of \$73,321 for BNSF railroad grade crossing closure between Belmont and Olive Avenues, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(1-B) RESOLUTION NO. 2002-209 - ESTABLISHING THE INTENT OF THE CITY OF FRESNO TO REIMBURSE ITSELF FROM THE PROCEEDS OF INDEBTEDNESS FOR EXPENDITURES OF THE CITY IN MEETING ITS FINANCIAL COMMITMENT PURSUANT TO THE DEVELOPMENT AGREEMENT WITH CALCOT, LTD.**

Councilmember Calhoun requested staff explain the bonding process proposed with City Manager Hobbs stating the item was to provide options that the City is engaged in re-negotiating the agreement with the property owner.

Controller Quinto stated the item on the agenda was to protect the City from future large payments for the development if Council approved the bonding process. Extensive discussion ensued regarding using Measure “C” funds. Councilmember Ronquillo left the meeting briefly at 9:34 a.m. and returned at 9:44 a.m. Councilmember Calhoun requested that before the payment is due, the item should return to Council for approval and would like to be kept informed that all the requirements are being met throughout the development. Mr. Hobbs stating it would be an administrative issue to notify Council. City Attorney Montoy concurred.

A motion to adopt the above listed Resolution was acted upon after brief discussion.

Councilmember Boyajian requested an analysis be done regarding receipt of money from property taxes and Assistant City Manager Souza stated staff was currently working with Calcot on that issue. Councilmember Ronquillo expressed concern relating to the use of Measure “C” funds and recommended limiting its use in the future, and stated staff should provide projections from start to present.

Discussion ensued regarding certificate of occupancy with Economic Development Manager Burkhardt responding to questions. Acting President Castillo emphasized the importance of developing areas that would create jobs, with brief discussion ensuing.

On motion of Councilmember Calhoun, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2002-209 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Perea
Noes	:	Castillo, Ronquillo
Absent	:	None

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**(Side 3) (1-D)\* RESOLUTION NO. 2002-210 - RESCINDING AND SUPERSEDING RESOLUTION NO. 98-368 WHICH ORDERED THE VACATION OF A PORTION OF HAMILTON AVENUE BETWEEN PARALLEL AVENUE AND THIRD STREET AND ORLEANS AVENUE WEST OF SECOND STREET**

Councilmember Quintero questioned whether the concerns with the residents in the area have been addressed with Assistant Public Works Director Holmes responding, stated if the item was approved today, the project would not record until all conditions have been met.

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(1-F) RESOLUTION - APPROVING FINAL MAP OF TRACT NO. 5051, AND ACCEPTING DEDICATED PUBLIC USES THEREIN, A 90-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION LOCATED ON THE WEST SIDE OF N. POLK AVENUE BETWEEN W. OLIVE AND W. MCKINLEY AVENUES (*PROPERTY LOCATED IN DISTRICT 3*)**

**1.\* RESOLUTION -106<sup>TH</sup> AMENDMENT TO AAR NO. 2001-200 APPROPRIATING \$55,500 FOR RIGHT-OF-WAY PURCHASE ON TRACT NO. 5051 (W. FLORADORA AND N. POLK AVENUE)**

David Simonian, 5529 W. McKinley, requested the above-listed item be removed from the agenda until concerns have been addressed relating to project. Professional Engineer Benavides gave a brief history of the project and responded to questions.

Councilmember Ronquillo stated an Official Plan Line was approved in 1995-1996 and noted he would support staff recommendation. Brief discussion ensued on the issues that Mr. Simonian raised relating to compliance.

On motion of Acting President Castillo, seconded by Councilmember Calhoun, duly carried, RESOLVED the above-mentioned item continued one week, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Perea
Noes	:	Quintero, Ronquillo
Absent	:	None

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**(3A) \*RESOLUTION NO. 2002-211 - AUTHORIZING THE 19<sup>TH</sup> EXPANSION OF THE FRESNO ENTERPRISE ZONE, ADDING 1.0 ACRES FOR THE MARCUS CENTER AND AUTHORIZING SUBMITTAL TO THE STATE DEPARTMENT OF TRADE AND COMMERCE OF SAID EXPANSION PROPOSAL AND EXECUTION OF DOCUMENTS AND INSTRUMENTS**

Councilmember Ronquillo thanked Mrs. Marcus for her cooperation, stated his support for the proposal and made a motion to approve the above entitled resolution, which was acted upon after brief discussion.

Barbara Hunt, 2475 S. Walnut spoke to the issue.

Discussion ensued regarding the effect of the Enterprise Zone on the property owner with Mr. Burkhardt stating the addition of this property would provide 15 new jobs.

On motion of Councilmember Calhoun, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2002-211 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**RECESS - 10:37 A.M. - 10:43 A.M.**

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**(10:00 AM#1)** PRESENTATION BY COUNCIL OF GOVERNMENTS (COG) ON MEASURE “C”

**10:00 AM#2)** APPROVAL OF RESOLUTIONS SUPPORTING THE EXTENSION OF MEASURE “C”

**(a) RESOLUTION NO. -** ADOPTING THE COUNCIL OF FRESNO COUNTY GOVERNMENTS MEASURE “C”EXTENSION (1/2 CENT SALES TAX FOR TRANSPORTATION PURPOSES) EXPENDITURE PLAN AND SUPPORTING PLACEMENT OF THE MEASURE “C” SALES TAX EXTENSION ON THE NOVEMBER, 2002 BALLOT **(REMOVED FROM AGENDA)**

**(b) RESOLUTION NO. 2002-212 -** APPROVING THE COUNCIL OF FRESNO COUNTY GOVERNMENTS MEASURE “C”EXTENSION (1/2 CENT SALES TAX FOR TRANSPORTATION PURPOSES) EXPENDITURE PLAN AND SUPPORTING PLACEMENT OF THE MEASURE “C” SALES TAX EXTENSION ON THE NOVEMBER, 2002 BALLOT AND AUTHORIZING THE EXECUTION OF RELATED DOCUMENTS

President Perea announced the time had arrived to consider the issue. Mr. Perea stated the only resolution to be acted upon was the resolution listed under “b”. The resolution listed under “a” was removed from the agenda.

Kevin Hall, 1204 E. Sierra Madre, Sierra Club Tehipiti Chapter Transportation Air Quality Global Warming Chair, stated the voters were being asked to approve a list of projects that have no guarantee.

A representative from COG reviewed the Highway Program, and reviewed the City’s examples of implemented local Measure “C” projects, discussed population, how Fresno County workers got to work, level of service, what residents want now, discussed the steering committee, the current Measure “C 1987 - 2007, the new Measure “C” 2007 - 2037 as proposed, local and regional program highlights, air quality issues and extension proposals.

**(Side 4)** Speaking to the issue were: Stebbins Dean, Chamber of Commerce, 2331 Fresno Street, supported the ballot measure, and discussed the cost of placing measure on the ballot; Werner Lipton, 4550 E. Redland, recommended the City approve a modern transportation system and also develop a citizens’ committee to provide input; Mary Savala, representing the League of Women Voters, 942 N. Van Ness spoke in support; Barbara Hunt stated the City needed to improve the City’s bus service; Robert Wood, 3525 W. Menlo, spoke in support; Gloria Torrez, spoke in opposition of Measure “C”; and Louie Rude, 1538 N. Hillman recommended the measure be put on the ballot in the year 2004.

Upon call, no one else wished to speak on the issue.

Councilmember Duncan reviewed several projects that were completed with Measure “C” funds and noted future projects such as expanding Freeway 41, the repair of on and off ramps, sustaining neighborhoods and improving bus service and made a motion to approve the above entitled resolution, which was acted upon after further discussion. Councilmember Duncan stated he would also donate \$500.00 of his own money to the committee organizing the campaign for the ballot measure.

Councilmember Ronquillo thanked the League of Women Voters, stated Measure “C” is a massive public works project, and noted the ability to move forward will have a great economic input. Mr. Ronquillo spoke of his support to use the fund in business park developments and also pledged \$500.00 of his own money toward the campaign to place the measure on the ballot.



Councilmember Boyajian advised of the need for more commitment from the people to help mitigate air pollution, and stated he would not support the ballot measure at the present time.

**(Side 5)** President Perea expressed concern with statements made by the County of Fresno as well as the County wanting the City to take action first, with the representative from COG responding.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above-entitled Resolution No. 2002-212 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Ronquillo, Perea
Noes	:	Duncan
Absent	:	None

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**(10:45 A.M.) AWARD A CONTRACT FOR TRANSPORTATION AND PROCESSING OF WOOD AND YARD WASTE - DEPT. OF PUBLIC UTILITIES**

President Perea announced the time had arrived to consider the issue.

Public Utilities Director McIntyre reviewed the staff report and noted the recommendation was to award to two contractors.

A motion to approve staff recommendation was made and acted upon after further discussion.

Speaking to the issue were John Navarrette, Yahweah Recycling, 1838 E. Shea Drive, who was opposed to the refusal of his bid and requested Council consider awarding the contract to three companies instead of only two; Mark Luma, representing Kochergen Farms, stated the environmental health authorities were correcting their violations; Lee Stevenson, West Coast Waste, 2344 Tulare Street, Suite 300, supported staff recommendation; Barbara Hunt, 2475 S. Walnut, spoke to the issue; Mark Johnson, 12232 E. Kings Canyon, a business owner by West Coast Waste expressed concern with the odor and piles of contaminated material by his business and requested all issues be resolved before the contract was awarded, and Randy Tosi, 3211 S. Golden State Blvd., also expressed concern with the odor by his place of business.

Upon call, no one else wished to speak.

Councilmember Boyajian expressed concern with the violations to Kochergen Farms and the writ of mandate on West Coast Waste and questioned Mr. McIntyre as to whether the two companies might not be able to comply with the situation. Mr. McIntyre stated the two companies submitted proposals that would provide the best service to the City. Mr. Navarrette responded to questions by Councilmember Boyajian, stated Yahweah Recycling proposal was to operate the greenwaste at the new City facility and not at their current site, and acknowledged Yahweah did not have a CUP at the present time. Extensive discussion ensued relative to business licenses and awarding the contract to two vendors.

Councilmember Quintero questioned whether Kochergen Farms had a business license with Purchasing Manager Taggart stating the Request For Proposal required the company to have or obtain a business license.

A substitute motion of Councilmember Quintero, seconded by Councilmember Boyajian to continue the item one week for the purpose of receiving additional information failed approval, by the following vote:

Ayes	:	Boyajian, Quintero
Noes	:	Calhoun, Castillo, Duncan, Ronquillo, Perea
Absent	:	None

On motion of Acting President Castillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the contract hereby awarded to Kochergen Farms to process an estimated 46,000 tons for the estimated annual amount of \$1,026,260 and to West Coast Waste, Inc. of Fresno to process 20,000 tons for the estimated annual amount of \$440,000 for transportation and processing of wood and yard waste; the initial term of the contracts will be for two years, with two possible one-year extensions; the contracts further provide that at the end of the final one-year extension the contractors, upon written request by the Purchasing Manager, shall aid the City in continuing, uninterruptedly, the requirements of the contract on a temporary basis not to exceed twelve months; and the contracts will be structured such that if either contractor fails to perform, the other will process the full greenwaste stream, by the following vote:

Ayes	:	Calhoun, Castillo, Duncan, Ronquillo, Perea
Noes	:	Boyajian, Quintero
Absent	:	None

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**(11:15 A.M.) DISCUSSION AND ACTION REGARDING SAN JOAQUIN VALLEY AIR DISTRICT'S PROPOSAL TO VOLUNTARILY SEEK THE FEDERAL GOVERNMENT'S EXTREME AIR QUALITY RATING - COUNCIL PRESIDENT PEREA**

**A. RESOLUTION - (*NOT ADOPTED*) REQUESTING SAN JOAQUIN VALLEY AIR DISTRICT BOARD TO TABLE THE DECISION REGARDING THE PROPOSAL TO VOLUNTARILY SEEK THE FEDERAL GOVERNMENT'S EXTREME AIR QUALITY RATING**

**B. RESOLUTION NO. NO. 2002-213 - IN OPPOSITION OF THE SAN JOAQUIN VALLEY AIR DISTRICT'S PROPOSAL TO VOLUNTARILY SEEK THE FEDERAL GOVERNMENT'S EXTREME AIR QUALITY RATING**

**C. RESOLUTION - (*NOT ADOPTED*) IN SUPPORT OF THE SAN JOAQUIN VALLEY AIR DISTRICT'S PROPOSAL TO VOLUNTARILY SEEK THE FEDERAL GOVERNMENT'S EXTREME AIR QUALITY RATING**

President Perea gave a brief overview of the report, stated a vote was going to be taken this Thursday by SJVADB, and if Fresno was listed as extreme air quality rating, the Federal Government could impose sanctions such as lose new transportation dollars for new systems that would encourage single vehicle use throughout the community. President Perea discussed the lack of a response by the Air Board with respect to submitting a plan of clearing the air of 300 tons of pollution by the year 2005. After further discussion, President Perea made a motion to adopt the resolution in opposition to seeking the Federal Government's extreme air quality rating which was voted upon after further discussion.

Speaking to the issue were Charles Sant'Agate, Executive Director of the American Lung Association; Gloria Torrez, Barbara Hunt, 2475 S. Walnut; and Katherine Johnson, who supported adopting the resolution in opposition.

Upon call, no one else wished to speak.

Councilmember Duncan stated he would not support the resolution in opposition at this time, said Humbolt County is worse than Fresno for asthma, and added he felt the City needed to focus on finding solutions to improve the air so as not to have political sanctions placed on the City.

Discussion ensued relating to an alternative source of transportation, and long term ramifications. President Perea expressed the importance of starting to plan workable solutions immediately with Acting President Castillo stating businesses are a major cause of the pollution and should be held accountable.

**(Side 7)** On motion of President Perea, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2002-213 opposing the San Joaquin Valley Air District's proposal to voluntarily seek the Federal Government's extreme air quality rating hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Ronquillo, Perea	
Noes	:	Duncan	
Absent	:	None	- - - -

**(5A) REQUEST CITY MANAGER TO HAVE STAFF REPORT TO THE COUNCIL IN 60 DAYS ON THE FEASIBILITY OF EXPLORING OPPORTUNITIES FOR ALLOWING RESTAURANTS TO OPEN IN REGIONAL CITY PARKS FOR THE PURPOSE OF ENHANCING AND MAINTAINING THE PARK - COUNCILMEMBER CALHOUN**

Councilmember Calhoun briefly reviewed the issue, stated interest has been expressed on improving the City's parks by providing additional resources such as restaurants and places to purchase beverages. Mr. Calhoun noted the addition would also be a source of funding and gave examples of Central Park and San Francisco. Councilmember Calhoun requested staff report back to Council with the pros and cons for future discussion of the possibility and made a motion to approve the above recommendation which was voted upon after brief discussion.

City Manager Hobbs stated he would research the matter. Councilmember Duncan commended Councilmember Calhoun for bringing the item forward and stated that in the future Council should check into other franchise opportunities. Councilmember Ronquillo suggested the City look into a Japanese Restaurant in Woodward Park, stated that would be a possibility to attract residents as well as people who live outside the City limits.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

On motion of Councilmember Calhoun, seconded by Ronquillo, duly carried, RESOLVED, City Manager hereby directed to have staff report back to the Council in 60 days on the feasibility of exploring opportunities for allowing restaurants to open in regional City parks for the purpose of enhancing and maintaining the parks, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea	
Noes	:	None	
Absent	:	None	- - - -

AND TESTING PROCEDURE FOR THE CLASSIFICATION OF FIREFIGHTER RECRUIT - COUNCILMEMBER QUINTERO

Removed from agenda.

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**(5B) DIRECT CITY MANAGER TO DIRECT PUBLIC WORKS DIRECTOR OR HIS DESIGNEE TO INSTALL 4-WAY STOP SIGNS AT THE INTERSECTION OF HUNTINGTON AND VILLA AND TO BE PAID FOR OUT OF DISTRICT 5'S INFRASTRUCTURE BUDGET - COUNCILMEMBER QUINTERO**

Assistant Transportation Manager Wood reviewed the item and explained the policies and procedures of evaluating traffic studies. Deputy City Attorney Schnitzer informed Council that if the City installed traffic control devices that did not meet warrants, the City would lose design immunity, stated the City agreed to certain steps that would reduce a negative impact on air quality and might be subject to possible litigation. Barbara Hunt, 2475 S. Walnut spoke to the issue.

Councilmember Calhoun stated his opposition for the record, as the intersection did not meet warrants with Councilmember Duncan concurring. Councilmember Quintero stated Council needed to take into account how it effects the person residing in the area, noted there were times when an ordinance was necessary, but life was worth a lot more.

A motion of Councilmember Quintero, seconded by Councilmember Ronquillo, to direct City Manager to direct the Public Works Director or his designee to install 4-way stop signs at the intersection of Huntington and Villa and the installation to be paid for out of District 5's Infrastructure budget failed approval, by the following vote:

Ayes	:	Quintero, Ronquillo, Perea
Noes	:	Boyajian, Calhoun, Castillo, Duncan
Absent	:	None

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**(5C) DISCUSSION REGARDING RELINQUISHMENT MONEY FROM 180 HIGHWAY TO THE CITY OF FRESNO IN THE AMOUNT OF \$466,000 (*PROPERTY LOCATED IN DISTRICTS 3 AND 5*) - COUNCILMEMBER QUINTERO**

Councilmember Quintero discussed a letter received by the Redevelopment Agency, with Assistant City Manager Souza stating the money would be rolled over to next year's budget and noted no action was necessary.

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**(5D) DISCUSSION AND DIRECTION TO DE-FUND THE REMAINING APPROPRIATIONS RELATING TO THE SANTA FE PROMENADE PARK - COUNCIL PRESIDENT PEREA**

President Perea briefly reviewed the issue, and stated some soil testing was currently being done to Promenade Park. President Perea noted the funding for the park came from Proposition 12 funds in the amount of approximately \$780,000 for the Santa Fe Promenade Park, stated the project was standing alone and recommended Council re-appropriate the dollars to other parks in the area.

Department 2003 budget designated for the Santa Fe Promenade be re-designated for the design and development of Eaton Plaza as a landscaped park and public plaza, not including an underground parking facility; and direct staff to continue with the substantially scaled back Santa Fe Promenade with emphasis on a heavily landscaped parking area with a linear landscape buffer along both sides of the railroad tracks with a pedestrian track crossing on Inyo Street; to support the adaptive use of warehouse road buildings; and let the Santa Fe Promenade Park Project stand alone, was not acted upon due to the action listed on the agenda was to discuss and direct the de-funding only.

President Perea said he would support the motion if Council would let the Santa Fe Promenade Park Project stand alone and shift the funds over the Eaton Plaza with Councilmember Calhoun concurring.

Councilmember Castillo requested \$100,000 be appropriated for Large Park located on Millbrook and Gettysburg to construct a fifty-seven space parking lot, but was not included in the original motion.

Councilmember Boyajian stated he would like to see improvements for Eaton Plaza but expressed concern with the money being spent for consultant fees with Parks and Recreation Director Primavera responding. Mr. Primavera stated the money for the development of Promenade Park was in the 2003 budget and if Council elected to not move forward with the development, Parks could meet with the Redevelopment Agency and report back in August as to the plans for Eaton Plaza as well as consider other priorities, with brief discussion ensuing. Mr. Primavera stated Parks had purchased five sites intended for the Master Plan in FY 2003, and would return to Council with a financing plan for phased development of the facilities. Councilmember Calhoun stated his request was for Eaton Plaza to be included in the plan.

**(Side 8)** City Attorney Montoy clarified that the action today was for discussion and direction to de-fund the Santa Fe Promenade Park project and stated no final action could be taken at the present time. Councilmember Ronquillo recommended reallocating the money and realign the Eaton Plaza area for landscape commercial need to include parking, and concurred with the development of a linear park concept.

With Council concurrence direction was made to de-fund the remaining appropriations relating to the Santa Fe Promenade Park.

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**(2:30 P.M.)** CONSIDER REQUEST FOR APPROVAL OF THE TRANSFER OF CONTROL OF CABLE TELEVISION FRANCHISE FROM AT&T BROADBAND TO AT&T/COMCAST

Continue to 6/25/2002, time to be set.

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**(3:00 P.M.)** CONSIDERATION OF A BALLOT MEASURE AMENDING CHARTER SECTION 910 TO ADD MEMBERS TO THE RETIREMENT BOARD

**1.\* RESOLUTION (OPTION 1) (NOT ADOPTED)** - SUBMITTING A PROPOSED CHARTER AMENDMENT TO CITY ELECTORS TO ADD TWO (2) MEMBERS TO THE CITY OF FRESNO EMPLOYEE'S RETIREMENT BOARD, TO REPRESENT RETIREES AND MANAGEMENT, RESPECTIVELY

**2.\* RESOLUTION (OPTION 2) (NOT ADOPTED)** - SUBMITTING A PROPOSED CHARTER AMENDMENT TO CITY ELECTORS TO ADD TWO (2) MEMBERS TO THE CITY OF FRESNO EMPLOYEES RETIREMENT BOARD, WHICH SHALL CONSIST OF A MEMBER TO REPRESENT RETIREES; AND A MEMBER CHOSEN BY THE BOARD MEMBERS REPRESENTING CITY EMPLOYEES AND MANAGEMENT

139-321

6/18/02

**3.\* RESOLUTION NO. 2002-214 (OPTION 3)** - SUBMITTING A PROPOSED CHARTER AMENDMENT TO CITY ELECTORS TO ADD TWO (2) MEMBERS TO THE CITY OF FRESNO EMPLOYEES RETIREMENT BOARD, TO INCLUDE A MEMBER APPOINTED BY THE MAYOR WITH APPROVAL BY COUNCIL FROM THE QUALIFIED

ELECTORS OF THE CITY, RESPECTIVELY

President Perea gave a brief review of the issue, stated the proposal would be to add a seventh member who would be appointed by the Mayor and made a motion to approve Option 3, which was voted upon after further discussion. Councilmember Quintero questioned whether the seventh member would be approved by Council with President Perea stating yes.

Speaking to the issue were Lindsey Daniel, who expressed the importance of having a retiree on the Board and Robert Markus, 3875 E. Lyell, spoke in support, but disagreed with the retirees having no say in appointing a Boardmember. Retirement Administrator McDivitt recommended postponing the item and discussed the importance of having the right balance of power and authority of two retirement boards. Also speaking to the issue were Barbara Hunt, 2475 S. Walnut, and James Watson, FPOA, who stated he was not opposed to a retiree on the General Services Retirement Board, but did oppose a retiree on the Fire and Police Retirement Board.

Upon call, no one else wished to speak.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, to continue the above-entitled issue for one week failed approval, by the following vote:

Ayes	:	Calhoun, Duncan
Noes	:	Boyajian, Castillo, Quintero, Ronquillo, Perea
Absent	:	None

Councilmember Calhoun expressed concern relative to the Retirement Board not having the opportunity to review all the amendment and having the Retirement Board's input with Councilmember Duncan concurring.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, **RESOLVED**, the above entitled Resolution No. 2002-214 (***Option 3***) hereby adopted, by the following vote:

Ayes	:	Boyajian, Castillo, Quintero, Ronquillo, Perea
Noes	:	Calhoun, Duncan
Absent	:	None

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**RECESS 3:41 P.M. - 4:04 P.M.** Councilmember Ronquillo arrived at the meeting at 4:13 p.m.

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**(2:00 P.M.#1) ADOPTION OF THE FY 2002-2003 BUDGET:**

**(1) RESOLUTION NO. 2002-215 - AUTHORIZING CITY MANAGER TO SUBMIT FISCAL YEAR (FY) 2003 ANNUAL ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIPS (HOME) AND EMERGENCY SHELTER GRANT (ESG) PROGRAM FUNDS AND AUTHORIZING CITY MANAGER, UPON CITY ATTORNEY'S APPROVAL, TO SIGN ALL HUD DOCUMENTS AND AGREEMENTS FINALIZING AND IMPLEMENTING ANNUAL ACTION PLAN**

**139-322**

**6/18/02**

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

**(Side 9)** President Perea stated Council has until the last Tuesday in August to balance the budget. Mr. Perea discussed the cost allocation form and identified the funds to pay for the motions that were submitted to Council and elaborated. President Perea stated the present budget needed to be reduced by \$1.5 million.

A motion to approve the budget documents for Fiscal Year 2002-2003 with the understanding that it would create an imbalance under the Charter and the City had until the last Tuesday in August to cure the imbalance and direct staff to return with documents in sufficient time for the Council and the Mayor to consider and approve a balanced budget by the last Tuesday in August, was voted upon after extensive discussion.

Councilmember Duncan requested each budget resolution be voted upon individually with Council concurrence. Councilmember Boyajian questioned whether the Council's Housing and Community Budget of \$1.8 million was included in the budget with City Manager Hobbs recommending Council include the \$1.8 million or return at a later date with an amendment. Neighborhood Services Division Director Hussman stated all issues have been rectified and recommended approval. Mr. Hobbs clarified the \$1.8 million was listed in the budget but was not in the materials submitted today and recommended Council adopt the motions today, but could make a motion to add \$1.8 million and before the money was allocated, would need Council approval.

On motion of Councilmember Boyajian, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the City Manager hereby authorized to submit the FY 2003 Annual Action Plan to HUD with modifications made by the City Council and to sign all reasonably required/implicated documents, instruments and funding agreements, to carry out the Annual Action Plan, subject to prior approval by the City Attorney's Office approved, and the above entitled Resolution No. 2002-215, hereby adopted, *as amended*; by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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**(2:00 P.M#2) ADOPTION OF THE FY 2002-2003 BUDGET:**

**(1) \* RESOLUTION NO. 2002-216 -** ADOPTING FY 2002-2003 CITY OF FRESNO BUDGET, INCLUDING THE COMMUNITY BLOCK GRANT (CDBG) BUDGET, AND INCLUDING THE ANNUAL APPROPRIATION RESOLUTION (AAR) *(AS AMENDED)*

**(2)\* RESOLUTION NO. 2002-217 -** ADOPTING THE FY 2002-2003 POSITION AUTHORIZATION RESOLUTION (PAR) *(AS AMENDED)*

**(3)\* RESOLUTION NO. 2002-218 -** ADOPTING THE 393RD AMENDMENT TO THE MASTER FEE SCHEDULE (MFS) RESOLUTION NO. 80-420 (ANNUAL AMENDMENT)

**(4)\* BILL NO. B-33/ORDINANCE NO. 2002-34 - (FOR INTRODUCTION AND ADOPTION) -** ADOPTING THE PROPERTY TAX OVERRIDE (PTO) ORDINANCE

**(5) \* SELECTION OF METHODOLOGY FOR DETERMINATION OF FY 2003 GANN APPROPRIATION LIMIT**

**(6)\* RESOLUTION NO. 2002-219 -** ESTABLISHING RULES FOR THE APPLICATION OF CITY EMPLOYEE COMPENSATION RATES AND SCHEDULES AND RELATED REQUIREMENTS, AND ESTABLISHING COMPENSATION RATES AND SCHEDULES - FY 2003 SALARY RESOLUTION

Controller Quinto noted there were corrections to the budget to include changing the Development Department name to Planning and Development Department and Housing and Neighborhood Revitalization to Housing and Economic

Community Development and one of the UGM fees for the police substation required a public notice and a special hearing process, stated the fee would be returned to Council. Ms. Quinto stated the substation fee needed to be removed from the motions being voted upon today. Ms. Quinto also read into the record a statement regarding the seriousness and significance of the intent to default regarding the Solid Waste Covenant if the balance of the budget was not corrected by the last Tuesday in August.

On motion of Councilmember Ronquillo, seconded by Council Calhoun, duly carried, RESOLVED, the funding in the Parks and Recreation FY 2003 budget designated for the Santa Fe Promenade Park hereby re-designated for the design and development of Eaton Plaza as a landscaped park and plaza approved, and the Redevelopment Agency of the City of Fresno directed to oversee the plan and design of the park and to prepare a preliminary design for landscape parking of the site bounded by Tulare, “R” “P” and Ventura Streets, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Ronquillo, Perea
Noes	:	Castillo
Absent	:	None

Councilmember Quintero raised several questions regarding the reallocation of funds from the Parks Dept. to Public Works Dept., the funding sources relating to the City-wide reallocation budget and the direction to Information Service regarding \$420,000 to execute the reorganization of the Department with staff responding.

Councilmember Duncan expressed concern with the utility rates and recommended reconsideration of the proposal by the Mayor to raise the water and solid waste rates and made a motion to that effect, which was acted upon after further discussion.

City Manager Hobbs read a letter from the Mayor into the record relative to advising the Council of ways to minimize impacts of the utility rate increases on lower income families possibly by providing a discount and elaborated.

President Perea stated for the record that the operating surplus or loss for the Public Utilities and Solid Waste go back to Fiscal Year 2000, 2001 and 2002, and recommended the creation of a transfer station that would save time, cost and money in the transfer of garbage. President Perea recommended the Department of Public Utilities develop a way to charge into other departments and briefly discussed business tax loop holes. *(Side 10)*

Mr. Hobbs stated the Public Utilities Department completed a refuse routing analysis for great efficiencies and eliminated five routes this year resulting in \$1.2 million of cost avoidance to the rate payers, which would save the City \$500,000 next year. Councilmember Ronquillo recommended cost savings through bus advertisement and recycling of concrete materials.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, to reinstate the Mayor’s proposed utility rate increase hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan,
Noes	:	Quintero Ronquillo, Perea
Absent	:	None

(Discussed again later in the meeting.)

A motion to re-allocate \$400,000 from the Parole Apprehension Team to the Police Department was acted upon after brief discussion. Councilmember Calhoun stated the Central and Fresno Unified School Districts should pay for



police services provided and the money discussed in the budget belonged in the General Fund and elaborated. Councilmember Ronquillo stated for the record the Mayor's budget was a proposal until the City Council voted to approve it.

On motion of Councilmember Castillo, seconded by Council President Perea, duly carried, RESOLVED the proposal to re-appropriate the funds from the Parole Apprehension Team to the Police Department hereby approved, by the following vote:

Ayes	:	Castillo, Duncan, Quintero Ronquillo, Perea
Noes	:	Boyajian, Calhoun
Absent	:	None

On motion of Acting President Castillo, seconded by President Perea, duly carried, RESOLVED the previous vote relating to the reinstatement of the Mayor's proposed utility rate increase hereby approved for reconsideration, by the following vote:

Ayes	:	Castillo, Quintero, Ronquillo, Perea
Noes	:	Boyajian, Calhoun, Duncan
Absent	:	None

A motion of Councilmember Duncan, seconded by Councilmember Calhoun to reinstate the Mayor's proposed utility rate increase failed, by the following vote:

Ayes	:	Boyajian Calhoun, Duncan
Noes	:	Castillo, Quintero, Ronquillo, Perea
Absent	:	None

Councilmember Calhoun stated he would not support a budget that was out of balance, expressed concern with de-funding other projects and going further in the hole and questioned whether all the adjustments made today would put the budget further out of balance with Controller Quinto responding.

Councilmember Castillo requested a summary of the 2002 cash flow of the Public Utilities Department, to include the total of interest expense, total assets, total of the reserved fund balance, unreserved fund balance and a list of current liabilities, with brief discussion ensuing regarding the vacancies in the Public Utilities Department as well as City-wide.

Councilmember Ronquillo stressed the importance of the continuation of neighborhood projects, stated prior to the budget preparation, staff did not follow Council's position, felt the burden should be placed on staff to provide options that could balance the budget and elaborated.

On motion of Councilmember Calhoun, seconded by President Perea, duly carried, RESOLVED, the temporary vacant Administrative Clerk II position from the Council Offices hereby eliminated and the salary savings to move toward the negative general fund balance, by the following vote:

		<b>139-325</b>	
Ayes	:	Boyajian, Calhoun, Duncan, Perea	
Noes	:	Castillo, Quintero, Ronquillo	

**6/18/02**

Absent : None

On motion of Councilmember Calhoun, seconded by Council President Perea, duly carried, RESOLVED, the Senior Secretary position in the 8<sup>th</sup> Council budget hereby eliminated, and the salary savings to move towards the negative General Fund balance, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea  
Noes : Castillo, Quintero, Ronquillo  
Absent : None

A motion of Councilmember Boyajian, seconded by Councilmember Ronquillo, to amend the Annual Appropriation Resolution to include the appropriation of funds to pay for a Marketing Director position for the Tower District was not voted upon.

On motion of Council President Perea, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2002-216, (*Annual Appropriation Resolution*) hereby adopted, as amended to include the changes approved above, by the following vote:

Ayes : Boyajian, Castillo, Ronquillo, Perea  
Noes : Calhoun, Duncan, Quintero  
Absent : None

On motion of President Perea, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2002-217, (*Position Allocation Resolution*) hereby adopted, as amended, by the following vote:

Ayes : Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea  
Noes : Calhoun  
Absent : None

A motion to adopt the 393<sup>rd</sup> amendment to the Master Fee Schedule Resolution was acted upon after brief discussion.

Councilmember Calhoun stated he would not support the adoption of the above-mentioned resolution due to its lack of City service levels and elaborated. (*Side 11*)

On motion of President Perea, seconded by Acting President Castillo, duly carried, RESOLVED, the above entitled Resolution No. 2002-218, (*Master Fee Schedule Resolution*) hereby adopted, by the following vote:

Ayes : Boyajian, Castillo, Quintero, Ronquillo Perea  
Noes : Calhoun, Duncan  
Absent : None

On motion of Acting President Castillo, seconded by Councilmember Ronquillo, duly carried, RESOLVED, staff hereby directed to use the Per Capita Personal Income and City population as the factors to be used in calculating the FY 2003 appropriations limit (Method A), by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

On motion of Acting President Castillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2002-219, (*Fiscal Year 2003 Salary Resolution*) hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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The City Council recessed at 5:53 p.m. and reconvened in joint session with the Redevelopment Agency at 6:20 p.m.

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**(4:30 P.M.) CONTINUED HEARING ON FY 2002-2003 BUDGET OF THE REDEVELOPMENT AGENCY (AGENCY ACTION)**

**(1) RESOLUTION NO. 1606 - APPROPRIATING THE FY 2002-2003 BUDGET OF THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO**

Councilmember Duncan announced the time had arrived to consider the issue and opened the hearing.

Executive Director Fitzpatrick gave an extensive overview of the Redevelopment Agency budget; discussed revenue from tax increments, ERAF, recent court cases, discussed amendment to the Housing Set Aside, Airport area development, the two methodology of handling the City's commitment to the GAP and reviewed the Mayor's Vision 2010 Plan.

Speaking to the issue were: an unidentified man, Barbara Hunt, 2475 S. Walnut, Michael Lust, 2618 E. Grant, Jefferson Area Neighborhood Assn., spoke in support of building a police substation in the area, Socorro Gaeta, 2704 E. McKenzie, also spoke in support of a police substation in the Jefferson Area; and Henry Oputa, 245 N.

"U" Street, also supported the police substation and requested the Redevelopment Agency fund other projects in the lower-income areas of the community. Councilmember Calhoun left the meeting briefly at 6:38 p.m. and returned at 6:44

p.m. Gloria Moralez, 153 N. Effie, spoke in support of the police substation in the Jefferson area.

Upon call, no one else wished to be heard and Councilmember Duncan closed the hearing.

Councilmember Ronquillo thanked the neighborhood groups for their efforts, expressed his support for the acquisition of the property for the future police substation and thanked staff for a well thought-out budget. Councilmember Ronquillo also commended the Agency on the 300 homes that had been rehabilitated.

Phyllis Johnson, 1546 W. Orleans, expressed her support for the creation of a sports complex at Edison High School.

A motion to adopt the Redevelopment Agency budget was voted upon after further discussion. President Perea questioned the Financial Accounting Auditor for the Agency, the funding for the GAP and ponding basin, and the loan from the City to the Redevelopment Agency with Mr. Fitzpatrick responding. Mr. Fitzpatrick reviewed the various projects the Redevelopment Agency was involved in. *(Side 12)* Councilmember Ronquillo pointed out that the Agency, along with the City Council, had an opportunity to create tax increments to complete numerous projects in the future.

On motion of Councilmember Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED the Fiscal Year 2002-2003 budget of the Redevelopment Agency and the above entitled Resolution No.1606 hereby adopted by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo Perea
Noes	:	None
Absent	:	None

The Redevelopment Agency adjourned at 7:16 p.m. and reconvened as the City Council.

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**(3B) UPDATE ON URBAN GROWTH MANAGEMENT (UGM) PROGRAM FOR FIRE STATIONS IN SOUTHEAST FRESNO**

Continued to 6/25/2002.

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**(5:45 P.M.) HEARING** TO CONSIDER ADOPTION OF THE REVISED FRESNO GENERAL PLAN HOUSING ELEMENT SUBJECT TO THE ADDITIONAL REVISIONS INCLUDED IN ATTACHMENT D (REVISION TO CHAPTER IV OF THE HOUSING ELEMENT AS RECOMMENDED BY THE INTERAGENCY HOUSING TASK FORCE), WITH ADDITIONAL INFORMATION AS REQUIRED BY CALIFORNIA STATE LAW, AND WITH MODIFICATIONS AS RECOMMENDED BY THE FRESNO CITY PLANNING COMMISSION

**(A)** CONSIDER AND ADOPT THE FINDING OF THE MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. EA-02-31 DATED APRIL 30, 2002

**(B) RESOLUTION NO. 2002-220** - ADOPTING THE REVISED HOUSING ELEMENT AS A REFINEMENT TO THE FRESNO GENERAL PLAN

President Perea announced the time had arrived to consider the issue and opened the hearing.

Planning and Development Director Yovino reviewed the staff report, stated the Housing Element is one of seven State mandated elements and that this element would cover the period from 2000 through the majority of 2007.

Steven Peck, consultant from Quad Knopf, discussed the housing element process, regional housing needs, housing quality survey results, vacant land survey, annexed and zoned land, housing programs basic assumptions, quantitative objectives for the City of Fresno, overall housing program and quantitative objectives, Housing and Community Development comments and recommended actions.

Neighborhood Services Division Manager Hussman emphasized the importance of the Housing Element, stated the City of Fresno has a need to build over 15,000 homes and focusing on neighborhoods is essential in providing housing for the City, and briefly reviewed the demonstration project.

Mr. Yovino requested Council approve the staff recommendation and the element with the modification recommended by the Planning Commission to pursue a proactive rezoning approach for housing in Fresno.

Jeffrey Harris, BIA, 1477 E. Shaw, discussed concerns relating to the need to zone an adequate amount of land, linkage fees and inclusionary policy; John Carey, Sr. 7520 N. Palm expressed concern with the inclusionary zoning; and Jess Negrette, 2014 Tulare Street, Suite 600, spoke about inadequate sites for low-income housing.

Upon call, no one else wished to speak and President Perea closed the hearing.

Councilmember Duncan stated he supported the Housing Element and made a motion to approve the staff recommendation excluding the inclusionary zoning, which was acted upon after extensive discussion. Mr. Duncan expressed concern regarding the policy, and discussed the percentage of very low to lower income housing that would have to be implemented in the inclusionary housing program and/or the possibility of paying a fee. Mr. Duncan spoke of the importance of a demonstration project, and elaborated.

*(Side 13)* Councilmember Calhoun thanked the staff involved and questioned where the General Plan proposal and the Housing Plan separate relative to the Central Community Plan Area and expressed concern with involving nexus fees, with Mr. Yovino responding. Councilmember Calhoun also discussed tax credits and TEFRA financing. Mr. Hussman stated a recommendation had been raised by the Planning Commission regarding the formation of a Citizen Advisory Committee for codes and expressed concern regarding limiting the Down Payment Assistance Program. Mr. Duncan stated he would remove the recommendation relating to the Down Payment Assistance Program from his original motion.

Extensive discussion ensued regarding inclusionary housing and Raully Smith, representative of HUD, 1915 N. Thorn, explained that for the economic good of the community there needed to be housing for poor-to-lower income and elaborated.

Councilmember Duncan clarified that in the Housing Element, the City shall investigate and implement an inclusionary housing program, stated he did not want the issue to become a racial or socio-economic issue but the Council needed to find a program that worked to provide more lower- income housing.

The following motion was read in to the record by Councilmember Duncan to “adopt the Housing Element as modified and recommended by staff which is consistent with the objectives and goals of the General Plan and will institute

suitable planning principles and programs to meet the housing needs of the community. Based on Council's own review, analysis and investigation, Council finds that the Housing Element as modified and recommended by staff, actually and/or substantially complies with the State Housing Element Law and there is no substantial evidence in the record that the Housing Element may have a significant effect on the environment and approve the Mitigated Negative Declaration for Environmental Assessment No. EA-02-31, dated April 30, 2002. Be it further resolved, that the Council of the City of Fresno hereby approves and adopts the documented Fresno Housing Element, March 2002, as recommended and modified to incorporate the following: the Inter-Agency Task Force revisions included in the Attachment "D" to the June 18, 2002, report to Council. The response is to the State of California Housing and Community Development Department in Attachment "C" to the June 18, 2002, report to Council and in addition, accepting the recommendations by the Planning Commission except for their recommendation on the Down Payment Assistance Program, " which was voted upon after discussion.

Mr. Yovino presented alternatives to the Housing Element and recommended eliminating the language "to implement an inclusionary housing or modify the policy," to say, "the City shall study and consider alternative inclusionary programs for future consideration," with brief discussion continuing. **(Side 14)** Councilmember Duncan recommended the language in the motion to read, "that the City shall study an inclusionary housing program and other options," with President Perea concurring and requested a completion date of a 6 to 12 month time frame. Mr. Yovino stating that during time, a workshop would be scheduled to develop alternatives.

After brief discussion, Councilmember Duncan withdrew a portion of his original motion to the Code Enforcement Program to improve funding and form a citizens' committee to oversee enforcement and also withdrew the language "examine whether or not the Problem Oriented Policing (POP) Team still exists and if it is a component of the plan and change or correct the element as necessary."

President Perea displayed a map indicating an example of inclusionary zoning that showed a map of low-birth babies throughout the City of Fresno, stated the heaviest concentration was south of Shields Avenue which resulted in Section 8 Housing and the Down Payment Assistance Program with discussion ensuing.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED the finding of the Mitigated Negative Declaration for Environmental Assessment No. EA-02-31, dated April 30, 2002, hereby approved; the proposed revision to the Housing Element of the Fresno General Plan subject to the additional revisions included in Attachment D and with additional data and information needed to meet the requirements of State law as specified in Attachment C, Response to State Comments approved; the language "that the City shall study and consider alternative inclusionary housing programs and other options" included in the Housing Element and return within 6 to 12 months with alternatives; the City shall explore pre-zoning as a means to reduce processing times and costs related to potential housing projects approved; and accepting the recommendations by the Planning Commission *except* for their recommendations on the Down Payment Assistance Program, the Code Enforcement Program improving funding and form a citizens' committee to oversee enforcement and "examine whether or not the Problem Oriented Policing (POP) Team still exists and if it is a component of the plan and change or correct the element as necessary," and the above entitled Resolution No. 2002-220, hereby adopted, by the following vote:

hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo Perea
Noes	:	None
Absent	:	None

A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (A)

1. CASE NAME: KEVIN HAM V. CITY OF FRESNO CIVIL SERVICE BOARD; CITY OF FRESNO, REAL PROPERTY IN INTEREST

B. CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6  
CITY NEGOTIATOR(S): ANDREW T. SOUZA, SEVERO ESQUIVEL AND JORGE C. AGUINIGA  
EMPLOYEE ORGANIZATION(S):

1. AMALGAMATED TRANSIT UNION, LOCAL 1027 (ATU)

2. INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS LOCAL 39 (LOCAL 39)

C. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (B)

SIGNIFICANT EXPOSURE TO LITIGATION:

1. PATRIOT HOMES FRESNO V. CITY OF FRESNO; PATRIOT HOMES FRESNO II V. CITY OF FRESNO

Continued to 6/25/2002.

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## ADJOURNMENT

There being no further business to bring before the Council, the hour of 8:49 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

**APPROVED** on the 16<sup>th</sup> day of July, 2002.

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Henry Perea, Council President

\_\_\_\_\_  
ATTEST: Cindy Hamby, Deputy City Clerk